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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Teradata Docket No. 8895

Application of:

SHEN, X. et al.   Group Art Unit: 3625

Serial No. 10/046,226   Examiner: DESHPANDE, KALYAN K.

Filed: January 16, 2002

For: A RETENTION MODELING METHODOLOGY FOR AIRLINES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing is an Appeal Brief to the Final Rejection dated September 14, 2007.

☒ Please charge Deposit Account No. 50 4370 for the Appeal Brief fee or any other fees associated with the filing of said Appeal Brief.

☒ Please charge any additional fees to the account of Teradata Corporation, Deposit Account No. 50 4370.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 8895

Application of:

Xi Shen et al.   Group Art Unit: 3623

Serial No. 10/046,226   Examiner: Kalyan K. Deshpande

Filed: January 1, 2002

For: **A Retention Modeling Methodology for Airlines**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

This is an Appeal Brief in furtherance of the Notice of Appeal filed on

January 14, 2008. In light of this Brief, Applicant asks the Board of Patent

Appeals and Interferences to reconsider this application.

(I) REAL PARTY IN INTEREST

The present application is assigned to Teradata US, Incorporated.

(II) RELATED APPEALS AND INTERFERENCES

There are currently no known active appeals or interferences related to the present application.

(III) STATUS OF CLAIMS

The above-identified patent application was filed on January 16, 2002 with original claims 1 through 21. At present, claims 16 through 21 remain active and stand rejected. The rejection of claims 16 through 21 is being appealed.

Copies of the claims in their current form are provided in the Claims Appendix (section VIII) of this Appeal Brief.

(IV) STATUS OF AMENDMENTS

The U.S. Patent and Trademark Office issued a Final Office Action in the prosecution of the present application on September 14, 2007. In response to this Final Official Action, Applicant filed a Notice of Appeal and Pre-Appeal Brief Request for Review on January 14, 2008. A Notice of Panel Decision from Pre-Apeal Brief Review was issued by the U.S. Patent and Trademark Office on March 5, 2008. The Panel Decision instructed the Applicant to proceed to the Board of Patent Appeals and Interferences to continue prosecution of the present application.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

<u>Claim 16</u>

Claim 16 recites a method of identifying highly valued customers of an airline using a Customer Value Metric Model comprising:

determining a flight mileage value for each customer, said flight mileage value comprising a measurement of flight activities for miles flown by each customer within a specified time period (*see, e.g.,* Application, pgs. 33-34, paragraphs 0115-0116);

determining a net revenue contribution value for each customer, said net revenue contribution value comprising a dollar value measurement for each customer's contribution to the airline's revenue within said specified time period (*see, e.g.,* Application, pgs. 26-27, paragraphs 095-099);

scoring the flight mileage value and net revenue contribution value for each customer (*see, e.g.,* Application, pgs. 28-29, paragraphs 0101-0103; pg. 33, paragraph 0114); and

identifying the highly valued customers by ranking the customers based on the scores and presenting the results of said ranking to a user (*see, e.g.,* Application, pgs. 29-30, paragraphs 0103-0104, Table 2; pg. 36, paragraph 0119, Table 6).

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Pursuant to the September 14, 2007 Final Office Action, claims 16 through 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jones et al. (U.S. Patent No. 6,925,441).

The rejections of claims 16 through 21 under 35 U.S.C. §103(a) is being appealed.

(VII) ARGUMENT

<u>Rejection of Claims 16 through 21 under 35 U.S.C. §103(a)</u>

The rejection of claims 16 though 21 under 35 U.S.C. §103(a) as being unpatentable over Jones, III et al. is respectfully traversed. To establish a *prima facie* case of obviousness, at least the following requirements must be met: (1) the references when combined must teach or suggest all elements of the claimed subject matter; (2) there must be some motivation, suggestion or teaching to combine the references; and (3) there must be, within the references, a reasonable expectation of success. *See* M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129. The Office has not established a *prima facie* case of obviousness because these requirements have not been satisfied: the references do not teach or suggest all of the elements of the claimed subject matter.

Jones III, et al. discloses a system and method of targeted marketing to consumers based upon the financial characteristics of the consumer, type of offer being made, and channel of communication for delivery of the offer. Customer transaction history, a customer profile, and the customer's demographic/statistical data are analyzed to derive variables concerning the customer. A customer value scoring is calculated based upon the amount of purchases, frequency of purchase, and other factors, such as customer demographic data, wealth, risk, interest, and other indicators.

Claim 16, the sole independent claim remaining in the present application recites a method of identifying highly valued customers of an airline using a Customer Value Metric Model comprising:

determining a flight mileage value for each customer, said flight mileage value comprising a measurement of flight activities for miles flown by each customer within a specified time period;

determining a net revenue contribution value for each customer, said net revenue contribution value comprising a dollar value measurement for each customer's contribution to the airline's revenue within said specified time period;

scoring the flight mileage value and net revenue contribution value for each customer; and

identifying the highly valued customers by ranking the customers based on the scores and presenting the results of said ranking to a user.
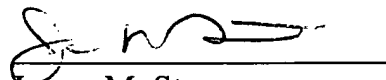
The invention, as recited in claim 16, includes specific limitations concerning "determining a flight mileage value for each customer, said flight mileage value comprising a measurement of flight activities for miles flown by each customer within a specified time period." It is not seen that Jones, III et al. includes any teaching or suggestions concerning these limitations. The Final Office Action acknowledges that Jones, III et al. fails to teach these limitations, but states that the system disclosed in Jones, III et al. may be adapted to marketing customers of an airline, and reciting the factors "flight activities," flight mileage," and "miles flown by" in claim 16 is irrelevant since the intended use does not change the overall functionality of the system. Applicant respectfully disagrees. The factors "flight activities," flight mileage," and "miles flown by" are limitations recited in claim 16, and not merely statements of intended use. The determination and analysis of these factors in accordance with the steps recited in claim 6 results in an identification of high valued customers to an airline.

Additionally, it is believed that an adaptation of a prior art marketing system by the addition of limitations not taught or suggested in the prior art, to address the needs of a different or specific customer, is a patentable invention.

Accordingly, it is believed that claim 16, as well as 17-21 which depend from claim 16, are patentable over the cited reference to Jones, III et al.

In view of the forgoing, it is submitted that the rejections of claims 16 through 21 discussed above are improper and should, therefore, be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 16 through 21 and allow these claims.

Respectfully submitted,

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(VIII) CLAIMS APPENDIX

1. (withdrawn)

2. (cancelled)

3. (withdrawn)

4. (withdrawn)

5. (withdrawn)

6. (withdrawn)

7. (withdrawn)

8. (withdrawn)

9. (cancelled)

10. (withdrawn)

11. (withdrawn)

12. (withdrawn)

13. (withdrawn)

14. (withdrawn)

15. (cancelled)

16. (previously presented) A method of identifying highly valued customers of an airline using a Customer Value Metric Model comprising:

determining a flight mileage value for each customer, said flight mileage value comprising a measurement of flight activities for miles flown by each customer within a specified time period;

determining a net revenue contribution value for each customer, said net revenue contribution value comprising a dollar value measurement for each customer's contribution to the airline's revenue within said specified time period;

scoring the flight mileage value and net revenue contribution value for each customer; and

identifying the highly valued customers by ranking the customers based on the scores and presenting the results of said ranking to a user.

17. (previously presented) The method as claimed in claim 16, comprising:

ranking the customers based on the flight mileage value score.

18. (previously presented) The method as claimed in claim 16, comprising:

ranking the customers based on the net revenue contribution value score.

19. (previously presented) The method as claimed in claim 16, further comprising:

sorting the scores based on score pairs including flight mileage value and net revenue contribution value.

20. (original) The method as claimed in claim 19, further comprising:

sorting matching score pairs based on net revenue contribution value;

dividing the customers into N groups;

assigning a numerical value 1-N to each group; and

ranking the customers based on the assigned numerical value to identify the highly valued customers.

21. (original) The method as claimed in claim 20, wherein N is 100.

(IX) EVIDENCE APPENDIX

Not applicable

(X) RELATED PROCEEDINGS APPENDIX

Not applicable